

# **STATE PERSONNEL BOARD CALENDAR**



**NOVEMBER 3, 2004**

**SACRAMENTO, CALIFORNIA**

# State of California

## Memorandum

**DATE:** October 22, 2004

**TO:** ALL INTERESTED PARTIES

**FROM:** **STATE PERSONNEL BOARD** -- Appeals Division

**SUBJECT:** Notice and Agenda for the November 3, 2004, meeting of the State Personnel Board.

PLEASE TAKE NOTICE that on November 3, 2004, at the offices of the State Personnel Board, located at 801 Capitol Mall, Room 150, Sacramento, California, the State Personnel Board will hold its regularly scheduled meeting. Pursuant to Government Code section 11123, a teleconference location may be conducted for this meeting at 320 W. 4<sup>th</sup> Street, Los Angeles, CA.

The attached Agenda provides a brief description of each item to be considered and lists the date and approximate time for discussion of the item.

Also noted is whether the item will be considered in closed or public session. Closed sessions are closed to members of the public. All discussions held in public sessions are open to those interested in attending. Interested members of the public who wish to address the Board on a public session item may request the opportunity to do so.

Should you wish to obtain a copy of any of the items considered in the public sessions for the November 3, 2004, meeting, please contact staff in the Secretariat's Office, State Personnel Board, 801 Capitol Mall, MS 22, Sacramento, CA 95814 or by calling (916) 653-0429 or TDD (916) 654-2360, or the Internet at:

**<http://www.spb.ca.gov/calendar.htm>**

Should you have any questions regarding this Notice and Agenda, please contact staff in the Secretariat's Office at the address or telephone numbers above.

TAMARA LACEY  
Secretariat's Office

Attachment

## CALIFORNIA STATE PERSONNEL BOARD MEETING<sup>1</sup>

Public Session Location - 801 Capitol Mall  
Sacramento, California, Room 150  
Teleconference – 320 West 4<sup>th</sup> Street<sup>2</sup>  
Los Angeles, CA, Suite 620

Closed Session Location - 801 Capitol Mall  
Sacramento, California Room 141  
Teleconference - 320 West 4<sup>th</sup> Street  
Los Angeles, CA, Suite 620

### MEETING AGENDA<sup>3</sup>

NOVEMBER 3, 2004

**All agenda items listed for the October 19, 2004 Board Meeting, which was canceled, will be considered at this meeting. A copy of the October 19, 2004 Agenda is available at our website, <http://www.spb.ca.gov>.**

### PUBLIC SESSION OF THE STATE PERSONNEL BOARD

9:00 - 9:30

1. ROLL CALL

2. REPORT OF THE EXECUTIVE OFFICER

Report of Floyd Shimomura  
Executive Officer, State Personnel Board

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<sup>1</sup> Sign Language Interpreter will be provided for Board Meeting upon request – contact Secretariat at (916) 653-0429, or CALNET 453-0429, TDD (916) 654-2360.

<sup>2</sup> Pursuant to Government Code section 11123, a teleconference location may be conducted for this meeting at 320 W. 4<sup>th</sup> Street, Los Angeles, CA.

<sup>3</sup> The Agenda for the Board can be obtained at the following Internet address:  
<http://www.spb.ca.gov/calendar.htm>

3. REPORT OF THE CHIEF COUNSEL

4. NEW BUSINESS

5. REPORT ON LEGISLATION

9:30 - 10:00

6. HEARING – ELIGIBILITY OF DISMISSED STATE EMPLOYEES TO TAKE EXAMINATIONS  
State Personnel Board staff is proposing to amend Rule § 211, to comply with Assembly Bill (AB) 577, Statutes of 2003, Chapter 836 which enacted Government Code § 18941.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

10:00 - 10:15

7. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS  
Deliberations to consider matter submitted at prior hearing. [Government Code Sections 11126(d), 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

10:15 - 10:45

8. ORAL ARGUMENT  
Oral Argument in the matter of LEIJANE OGAWA, CASE NO. 03-2943 EA. Appeal from discrimination. Department of Transportation.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

10:45 - 11:00

9. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS  
Deliberations to consider matter submitted at prior hearing. [Government Code Sections 11126(d), 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

- 11:00 - 11:30            10.    ORAL ARGUMENT  
Oral Argument in the matter of ANN R. ABIERAS, CASE NO. 04-0531A AND EVELYN B. CORPUS, CASE NO. 04-0529A. Appeal from ten-percent reduction in salary for twelve months. Department of Developmental Services.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

- 11:30 - 11:45            11.    EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS  
Deliberations to consider matter submitted at prior hearing. [Government Code Sections 11126(d), 18653.]

11:45 - 1:00            LUNCH

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

- 1:00 - 1:30            12.    ORAL ARGUMENT  
Oral Argument in the matter of NICHOLAS COMAITES, CASE NO. 03-0062A AND PAUL WARD, CASE NO. 03-0332A. Appeal from official reprimand. Department of Corrections.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

- 1:30 - 1:45            13.    EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS  
Deliberations to consider matter submitted at prior hearing. [Government Code Sections 11126(d), 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

- 1:45 - 2:15            14.    ORAL ARGUMENT  
Oral Argument in the matter of VIRGINIA PARKER, CASE NO. 03-0325A. Appeal from demotion. Department of Corrections.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

- 2:15 - 2:30                      15.    EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS,  
AND OTHER APPEALS  
Deliberations to consider matter submitted at prior hearing.  
[Government Code Sections 11126(d), 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

- 2:30 - 3:00                      16.    ORAL ARGUMENT  
Oral Argument in the matter of  
PEARLIE BLEDSOE-TOWNES, CASE NO. 03-2966A  
Appeal from denial of request for reasonable  
accommodation. Department of Corrections.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

- 3:00 -                              17.    DELIBERATION ON ADVERSE ACTIONS, DISCRIMINA-  
TION COMPLAINTS, AND OTHER PROPOSED  
DECISIONS SUBMITTED BY ADMINISTRATIVE LAW  
JUDGES  
Deliberations on matters submitted at prior hearing, on  
proposed decisions, petitions for rehearing, rejected  
decisions, remanded decisions, submitted decisions, and  
other matters related to cases heard by administrative law  
judges of the State Personnel Board or by the Board itself.  
[Government Code Sections 11126 (d), and 18653 (2).]
18.    PENDING LITIGATION  
Conference with legal counsel to confer with and receive  
advice regarding pending litigation when discussion in open  
session would be prejudicial. [Government Code Sections  
11126 (e)(1), 18653.]
- State Personnel Board v. Department of Personnel  
Administration, California Supreme Court Case No.  
S119498.
- State Personnel Board v. California State Employees  
Association, California Supreme Court Case No. S122058.

Connerly v. State Personnel Board, California Supreme Court Case No. S125502.

International Union of Operating Engineers v. State Personnel Board, Public Employment Relations Board (PERB) Case No. SA-CE-1295-S.

California Attorneys, Administrative Law Judges and Hearing Officers in State Employment, v. Department of Industrial Relations and California State Personnel Board, Sacramento Superior Court No.: 04CS00677

Caltrans v. SPB (Torossian)

19. RECOMMENDATIONS TO THE LEGISLATURE  
Deliberations on recommendations to the Legislature.  
[Government Code Section 18653.]
20. RECOMMENDATIONS TO THE GOVERNOR  
Deliberations on recommendations to the Governor.  
[Government Code Section 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

On Adjournment:

21. DISCUSSION OF COMING BOARD MEETING SCHEDULE OF NOVEMBER 16, 2004, IN SACRAMENTO

BOARD ACTIONS

22. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF OCTOBER 5, 2004
23. ACTION ON SUBMITTED ITEMS  
(See Agenda Page 23)  
These items have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting. This list does not include

evidentiary cases, as those cases are listed separately by category on this agenda under Evidentiary Cases.

24. EVIDENTIARY CASES

The Board Administrative Law Judges conducts Evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

A. BOARD CASES SUBMITTED

These cases have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting.

DEBRA GREENE, CASE NO. 03-0621A  
Appeal from dismissal  
Motor Vehicle Field Representative  
Department of Motor Vehicles

MARTIN HERNANDEZ, CASE NO. 02-4449A  
Appeal from demotion  
Correctional Sergeant  
Calipatria State prison – Imperial  
Department of Corrections

CONNIE JOHNSON, CASE NO. 03-2620R  
Appeal from 30-calendar-days suspension  
Employment Program Representative  
Employment Development Department

JACQUELYN MCCARVER, CASE NO. 03-0669A  
Appeal from demotion  
Correctional Sergeant  
Rainbow Conservation Center – Fallbrook  
Department of Corrections

DENNIS UYEDA, CASE NO. 03-2396A  
Appeal from five-working-days suspension  
Latent Print Analyst II  
Department of Justice



GARY WHALEY, CASE NO. 03-1420A  
Appeal from discrimination  
Employment Program Representative  
Employment Development Department

B. CASES PENDING

- Oral Arguments

These cases are on calendar to be argued at this meeting or to be considered by the Board in closed session based on written arguments submitted by the parties.

ANN R. ABIERAS, CASE NO. 04-0531A AND  
EVELYN B. CORPUS, CASE NO. 04-0529A  
Appeal from ten-percent reduction  
in salary for twelve months  
Psychiatric Technician Assistants  
Department of Developmental Services

NICHOLAS COMAITES, CASE NO. 03-0062A  
Appeal from official reprimand  
Correctional Counselor II  
Department of Corrections  
AND  
PAUL WARD, CASE NO. 03-0332A  
Appeal from official reprimand  
Correctional Administrator  
Department of Corrections

LEIJANE OGAWA, CASE NO. 03-2943EA  
Appeal from discrimination  
Office Assistant (General)  
Department of Transportation

VIRGINIA PARKER, CASE NO. 03-0325A  
Appeal from demotion  
Correctional Lieutenant  
Ironwood State Prison – Blythe  
Department of Corrections

PEARLIE BLEDSOE-TOWNES, CASE NO. 03-2966A  
Appeal from denial of request for reasonable  
Accommodation  
Correctional Sergeant  
Central California Women's Facility – Chowchilla  
Department of Corrections

C. CHIEF COUNSEL RESOLUTIONS

NONE

- Court Remands  
These cases have been remanded to the Board  
by the court for further Board action.

NONE

- Stipulations  
These stipulations have been submitted to the  
Board for Board approval, pursuant to  
Government Code, section 18681.

NONE

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED  
DECISIONS

- Proposed Decisions  
These are ALJ proposed decisions submitted to  
the Board for the first time.

PATRICK BARBER, CASE NO. 04-0174  
Appeal from dismissal  
Youth Correctional Counselor  
Department of Youth Authority

PATRICK BARBER, CASE NO. 04-1202  
Appeal from dismissal  
Youth Correctional Counselor  
Department of Youth Authority

CONSTANCE BOLDEN, CASE NO. 04-0684  
Appeal from dismissal  
Correctional Counselor II - Supervisor  
California Institution for Men – Chino  
Department of Corrections

JOHN A. CRUZ, CASE NO. 04-1376  
Appeal from 60-calendar-days suspension  
Automotive Equipment Operator I  
Department of Veterans Affairs

DARLENE DAWSON, CASE NO. 04-1155  
Appeal from five-percent reduction in  
salary for 12-months  
Psychiatric Technician Assistant  
Department of Developmental Services

EDWARD V. DEL RIO, CASE NO. 04-1189  
Appeal From 45-workdays suspension  
Caltrans Equipment Operator II  
Department of Transportation

DOUG HANSEN, CASE NO. 04-1663  
Appeal from five-percent reduction  
in salary for six months  
Vocational Landscape Instructor  
California Correctional Institution - Tehachapi  
Department of Corrections

YOLANDA HARRIS, CASE NO. 04-1520  
Appeal from five-percent reduction  
in salary for twelve months  
Correctional Counselor I  
California Correctional Institution - Tehachapi  
Department of Corrections

JOE W. JORDAN, CASE NO. 04-0393  
Appeal from dismissal  
Youth Correctional Counselor  
Department of Youth Authority

LAWRENCE KILGORE, CASE NO. 04-1106  
Appeal from dismissal  
Correctional Lieutenant  
California Institution for Men - Chino  
Department of Corrections

JOHN M. LEBECK, CASE NO. 04-1023  
Appeal from five-percent reduction  
in salary for six months  
Correctional Officer  
California State Prison – Sacramento  
Department of Corrections

RICARDO RODRIGUEZ, CASE NO. 04-0096E  
Appeal of discrimination  
Heavy Equipment Mechanic  
California Men's Colony – San Luis Obispo  
Department of Corrections

MICHAEL STRAUTHER, CASE NO. 04-0005  
Appeal from dismissal  
Youth Correctional Officer  
Department of Youth Authority

ANTHONY VEGAS, Case No. 03-2204  
Appeal from dismissal  
Parole Agent I (Adult Parole)  
Department of Corrections - Stockton

- Proposed Decisions Taken Under Submission  
At Prior Meeting  
These are ALJ proposed decisions taken under  
submission at a prior Board meeting, for lack of  
majority vote or other reason.
- Proposed Decisions After Board Remand  
  
NONE
- Proposed Decisions After SPB Arbitration  
  
NONE

E. PETITIONS FOR REHEARING

- ALJ Proposed Decisions Adopted By The Board

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

SEPHIA ANDERSON, CASE NO. 03-0630P  
Appeal from dismissal  
Office Assistant (Typing)  
Department of Industrial Relations  
Appeal filed by appellant to be granted or denied

SHARON BORREGE, CASE NO. 01-2266P  
Rejection during probationary period  
Transportation Engineering Technician  
Department of Transportation  
Appeal filed by appellant to be granted or denied

219CALVIN CAMPBELL III, CASE NO. 03-0626P  
Appeal from 45-working-days suspension  
Correctional Lieutenant  
California State Prison - Lancaster  
Department of Corrections  
Appeal filed by appellant to be granted or denied

KALPANA DADABHOY, CASE NO. 02-3423P  
Appeal from rejection during probation  
Disability Evaluation Analyst  
Department of Social Services  
Appeal filed by appellant to be granted or denied

- Whistleblower Notice of Findings  
The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a Notice of Findings issued by the Executive Officer under Government Code, section 19682 et seq. and Title 2, California Code of Regulations, section 56 et seq.

NONE

F. PENDING BOARD REVIEW

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

ANN R. ABIERAS, CASE NO. 04-0531A  
Appeal from ten-percent reduction  
in salary for twelve months  
Psychiatric Technician Assistant  
Department of Developmental Services

DANNY BOYD, CASE NO. 03-1537A  
Appeal from dismissal  
Youth Correctional Officer  
California Youth Authority - Chino

NICHOLAS COMAITES, CASE NO. 03-0062A  
Appeal from official reprimand  
Correctional Counselor II  
Department of Corrections  
AND

PAUL WARD, CASE NO. 03-0332A  
Appeal from official reprimand  
Correctional Administrator  
Department of Corrections

EVELYN B. CORPUS, CASE NO. 04-0529A  
Appeal from ten-percent reduction in  
salary for twelve months  
Psychiatric Technician Assistant  
Department of Developmental Services

NESSLIN CRUZ, CASE NO. 03-1824  
Appeal from ten-work-day  
suspension  
Employment Program Representative  
(Permanent Intermittent)  
Employment Development Department

PRISCILA CRUZ, CASE NO. 04-0554E  
Appeal from discrimination complaint  
Clinical Laboratory Scientist  
California Medical Facility - Vacaville  
Department of Corrections

DOREATHA FLEMING, CASE NO. 03-2274  
Appeal from dismissal  
Motor Vehicle Field Representative  
Department of Motor Vehicles

JOHN FLORES, CASE NO. 03-2588E  
Appeal of retaliation  
Hospital Peace Officer I  
Department of Mental Health

RICHARD HARMON, CASE NO. 03-3739  
Appeal from dismissal  
Psychiatric Technician Assistant  
Department of Developmental Services

ROYCE HENSON, CASE NO. 02-3501E  
Appeal from retaliation complaint  
Staff Services Manager II (Supervisor)  
Department of Forestry and Fire Protection

HAJI JAMEEL, CASE NO. 04-0330  
Appeal from dismissal  
Supervising Transportation Engineer  
California Public Utilities Commission

EDWARD LIMON, CASE NO. 04-0233  
Appeal from dismissal  
Parole Agent I  
Department of the Youth Authority

LEIJANE OGAWA, CASE NO. 03-2943A  
Appeal from discrimination  
Office Assistant (General)  
Department of Transportation

VIRGINIA PARKER, CASE NO. 03-0325A  
Appeal from demotion  
Correctional Lieutenant  
Ironwood State Prison – Blythe  
Department of Corrections

KIM RITTENHOUSE, CASE NOS. 03-3541A &  
03-3542A

Appeal from denial of reasonable accommodation  
And from constructive medical termination  
Office Technician (General)  
Department of Fish and Game

SAMUEL SWEENEY, CASE NO. 04-0794

Appeal from 20-calendar-days suspension  
Correctional Officer  
California Institution for Men – Chico  
Department of Corrections

PEARLIE BLEDSOE-TOWNES, CASE NO. 03-2966A

Appeal from denial of request for reasonable  
Accommodation  
Correctional Sergeant  
Central California Women's Facility – Chowchilla  
Department of Corrections

25. RESOLUTION EXTENDING TIME UNDER GOVERNMENT  
CODE SECTION 18671.1 EXTENSION  
(See Agenda Page 25)

26. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

Cases heard by a Staff Hearing Officer, a managerial  
staff member of the State Personnel Board or  
investigated by Appeals Division staff. The Board will  
be presented recommendations by a Staff Hearing  
Officer or Appeals Division staff for final decision on  
each appeal.

WITHHOLD FROM CERTIFICATION CASES HEARD  
BY A STAFF HEARING OFFICER

GENE KELLY JR., CASE NO. 03-2923

**Classification:** Correctional Officer

**Department:** Corrections



WITHHOLD FROM CERTIFICATION CASES NOT  
HEARD BY A STAFF HEARING OFFICER

TONY ALCARAZ, CASE NO. 03-2564

**Classification:** Correctional Officer

**Department:** Department of Corrections

SAMUEL ALCANTAR, 03-3401

**Classification:** Security Officer I (DOJ)

**Department:** Department of Justice

SCOTT HOBBERCHALK, CASE NO. 03-3475

**Classification:** Correctional Officer

**Department:** Department of Corrections

ROBERT NORVELL, CASE NO. 03-3613

**Classification:** Correctional Officer

**Department:** Corrections

B. MEDICAL AND PSYCHOLOGICAL SCREENING  
APPEALS - NONE

Cases heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board will be presented recommendations by a Hearing Panel on each appeal.

C. EXAMINATION APPEALS - NONE  
MINIMUM QUALIFICATIONS - NONE  
MERIT ISSUE COMPLAINTS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

(Merit Issue Case)

LYNNELLE CASE, CASE NO. 02-0357

**Classification:** Staff Services Analyst (SSA)

**Department:** Consumer Affairs

- D. RULE 212 OUT-OF-CLASS APPEALS - NONE  
VOIDED APPOINTMENT APPEALS - NONE  
RULE 211 APPEALS - NONE  
Cases heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board will be presented recommendations by a Staff Hearing Officer for final decision on each appeal.
- E. REQUEST TO FILE CHARGES CASES  
PETITIONS FOR REHEARING CASES - NONE  
Investigated by Appeals Division staff. The Board will be presented recommendations by Appeals Division staff for final decision on each request.

(Request To File Charges Case)

ANDREW BANKS, CASE NO. 03-3806

**Classification:** Correctional Officer

**Department:** Corrections

DON HANSEN, CASE NO. 04-0814

**Classification:** Transportation Engineer (Civil),

**Department:** Transportation

GERALD JOHANNES, CASE NO. 03-2678

**Classification:** Committed offender housed at ASH

**Department:** Mental Health

LAWRENCE RAE, CASE NO. 03-1781

**Classification:** Committed offender housed at ASH

**Department:** Mental Health

BOBBIE SUTER, CASE NO. 03-1670

**Classification:** Civilly committed patient at  
Atascadero State Hospital

**Department:** Mental Health

ANTHONY WEATHINGTON, CASE NO. 03-2852

**Classification:** A civilly committed offender at  
Atascadero State Hospital.

**Department:** Mental Health

F. PSYCHOLOGICAL SCREENING CASES - NONE

Cases reviewed by Appeals Division staff, but no hearing was held. It is anticipated that the Board will act on these proposals without a hearing.

27. NON-HEARING CALENDAR

The following proposals are made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff. It is anticipated that the Board will act on these proposals without a hearing.

Anyone with concerns or opposition to any of these proposals should submit a written notice to the Executive Officer clearly stating the nature of the concern or opposition.

Such notice should explain how the issue in dispute is a merit employment matter within the Board's scope of authority as set forth in the State Civil Service Act (Government Code Section 18500 et seq.) and Article VII, California Constitution. Matters within the Board's scope of authority include, but are not limited to, personnel selection, employee status, discrimination and affirmative action. Matters outside the Board's scope of authority include, but are not limited to, compensation, employee benefits, position allocation, and organization structure. Such notice must be received not later than close of business on the Wednesday before the Board meeting at which the proposal is scheduled. Such notice from an exclusive bargaining representative will not be entertained after this deadline, provided the representative has received advance notice of the classification proposal pursuant to the applicable memorandum of understanding. In investigating matters outlined above, the Executive Officer shall act as the Board's authorized representative and recommend the Board either act on the proposals as submitted without a hearing or schedule the items for a hearing, including a staff recommendation on resolution of the merit issues in dispute.

A. FISH AND GAME WARDEN SERIES

The Department of Fish and Game (DFG) is proposing the following revisions to the Fish and Game Warden series specification: the class titles are being revised for consistency; revisions to the class specification to incorporate and update new laws regarding domestic

violence and prior use of hard drugs by the applicant; revise the Minimum Qualifications to add a pattern whereby current peace officers can enter the class and obtain the necessary training to perform the duties of a law enforcement officer; abolishing the classes of Lieutenant, Fish and Game Patrol Board and Captain, Fish and Game Patrol Boat.

28. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

Staff has approved the following:

A. SUPERVISING REGISTERED NURSE II

The Department of Corrections proposes revisions to the Supervising Registered Nurse II, Correctional Facility classification including: the additional Minimum Qualifications pattern; an additional level to the Supervising Registered Nurse II, Correctional Facility; and minor updates to the language utilized in the Knowledge and Abilities section.

29. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

This section of the Agenda serves to inform interested individuals and departments of proposed and approved CEA position actions.

The first section lists position actions that have been proposed and are currently under consideration.

Any parties having concerns with the merits of a proposed CEA position action should submit their concerns in writing to the Classification and Compensation Division of the Department of Personnel Administration, the Personnel Resources and Innovation Division of the State Personnel Board, and the department proposing the action.

To assure adequate time to consider objections to a CEA position action, issues should be presented immediately upon receipt of the State Personnel Board Agenda in which the proposed position action is noticed as being under consideration, and generally no later than a week to ten days after its publication.

In cases where a merit issue has been raised regarding a proposed CEA position action and the dispute cannot be resolved, a hearing before the five-member Board may be scheduled. If no merit issues are raised regarding a proposed CEA position action, and it is approved by the State Personnel Board, the action becomes effective without further action by the Board.

The second section of this portion of the Agenda reports those position actions that have been approved. They are effective as of the date they were approved by the Executive Officer of the State Personnel Board.

A. REQUESTS TO ESTABLISH NEW CEA POSITIONS  
CURRENTLY UNDER CONSIDERATION

(1) STATE GEOLOGIST, ASSISTANT DIRECTOR,  
CALIFORNIA GEOLOGICAL SURVEY

The Department of Conservation proposes to allocate the above position to the CEA category. The State Geologist, Assistant Director, California Geological Survey will develop, recommend and ensure the proper implementation of all new and existing earth science related policies and procedures.

(2) ASSISTANT PROGRAM BUDGET MANAGER,  
CORRECTIONS/GENERAL GOVERNMENT  
UNIT

The Department of Finance proposes to allocate the above position to the CEA category. The Assistant Program Budget Manager, Corrections/General Government Unit is responsible for providing leadership and policy direction, and has authority over programs concerning the judicial council, justice, general government, corrections, and youth and adult correctional agency.

(3) PROJECT MANAGER, PRISON LAW OFFICE  
REMEDIAL PLAN IMPLEMENTATION  
PROJECT

The California Youth Authority proposes to allocate the above position to the CEA category. The Project Manager, Prison Law Officer

Remedial Plan Implementation Project will be responsible for providing direction and leadership to work groups assigned to review current departmental policies, procedures, and programs in response to the allegations in the Farrell vs. Allen lawsuit.

- (4) DEPUTY DIRECTOR, ASSET MANAGEMENT  
The California Housing Finance Agency proposes to allocate the above position to the CEA category. The Deputy Director, Asset Management is the primary advisor on all asset management policy issues which have an impact on all Agency borrowers and clients throughout California.

- (5) ASSISTANT DEPUTY DIRECTOR, MEDICAL CARE SERVICES  
The California Department of Health Services proposes to allocate the above position to the CEA category. The Assistant Deputy Director, Medical Care Services is responsible for assisting in the development, promotion and implementation of health care delivery systems to 6.7 million beneficiaries of the State Medi-Cal program.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW CEA POSITIONS

- (1) DEPUTY DIRECTOR, OFFICE OF APPLIED RESEARCH AND ANALYSIS  
The Department of Alcohol and Drug Program's request to allocate the above position has been disapproved effective September 28, 2004.
- (2) DIRECTOR OF PLANNING, RESEARCH & EMERGENCY SERVICES  
The Governor's Office of Emergency Services' request to allocate the above position on behalf of the Office of Homeland Security has been approved effective October 1, 2004.

- (3) DIRECTOR OF CRITICAL INFRASTRUCTURE PROTECTION  
The Governor's Office of Emergency Services' request to allocate the above position on behalf of the Office of Homeland Security has been approved effective October 1, 2004.
- (4) DIRECTOR OF LOCAL EXTERNAL AND LEGISLATIVE AFFAIRS  
The Governor's Office of Emergency Services' request to allocate the above position on behalf of the Office of Homeland Security has been approved effective October 1, 2004.
- (5) DEPUTY SECRETARY, LABOR RELATIONS  
The Youth and Adult Correctional Agency's request to allocate the above position has been approved effective October 7, 2004.
- (6) CHIEF, OFFICE OF EXAMINATION RESOURCES  
The Department of Consumer Affairs request to allocate the above position has been disapproved effective October 8, 2004.
- (7) SPECIAL ASSISTANT, LEGAL AFFAIRS  
The Department of Justice's request to allocate the above position has been disapproved effective October 12, 2004.
- (8) ASSISTANT DEPUTY COMMISSIONER, OFFICE OF COMMUNICATIONS  
The Department of Insurance's request to allocate the above position has been disapproved effective October 12, 2004.
- (9) LEGISLATIVE DIRECTOR, ADMINISTRATION  
The Department of Insurance's request to allocate the above position has been disapproved effective September 13, 2004.
- (10) SPECIAL COUNSEL TO THE COMMISSIONER  
The Department of Insurance's request to allocate the above position has been disapproved effective September 13, 2004.

- 30. WRITTEN STAFF REPORT FOR BOARD INFORMATION
- 31. PRESENTATION OF EMERGENCY ITEMS AS  
NECESSARY

ADJOURNMENT



SUBMITTED

1. TEACHER STATE HOSPITAL (SEVERELY), ETC. Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002)
2. VOCATIONAL INSTRUCTOR (SAFETY)(VARIOUS SPECIALTIES). Departments of Mental Health and Developmental Services.  
(Hearing held December 3, 2002)
3. TELEVISION SPECIALIST (SAFETY)  
The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding “Safety” as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003)
4. HEARING – PSC #04-03  
Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Presented to Board August 12, 2004)

**NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION**

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

**GOVERNMENT CODE § 18671.1 RESOLUTION**

**WHEREAS**, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

**WHEREAS**, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

**WHEREAS**, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

**WHEREAS**, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

\* \* \* \* \*



(Cal. 11/03/04)

TO: Members  
State Personnel Board

FROM: State Personnel Board - Legislative Office

SUBJECT: LEGISLATION

There is no written legislative report at this time. I will give a verbal presentation on any legislative action that has taken place that will be of interest to the Board.

Please contact me directly should you have any questions or comments regarding any bills that you may have an interest in. I can be reached at (916) 653-0453.

Sherry Hicks  
Director of Legislation

(Cal. 11/3/04)

**TO:** STATE PERSONNEL BOARD

**FROM:** DAPHNE BALDWIN, Manager  
Policy Division

**REVIEWED BY:** JOAN ALLISON, Acting Chief  
Policy Division

CAROL ONG, Manager  
Policy Development

**SUBJECT:** PROPOSED AMENDMENT OF SPB RULE § 211 ON ELIGIBILITY  
OF DISMISSED STATE EMPLOYEES TO TAKE EXAMINATIONS

**NATURE OF REQUEST**

State Personnel Board (SPB) staff is proposing to amend Title 2, California Code of Regulations (2CCR) § 211, to comply with Assembly Bill (AB) 577, Statutes of 2003, Chapter 836 which enacted Government Code (GC) § 18941.

**REASON FOR HEARING:**

In the attached NOTICE OF PROPOSED AMENDMENT OF REGULATION AND STATEMENT OF REASONS dated September 10, 2004, interested parties were informed that a public hearing on 2CCR § 211 will be held to receive oral and written input on the proposed regulatory action at the November 3, 2004, meeting of the Board.

**BACKGROUND:**

Under existing 2CCR § 211, a dismissed State employee who wishes to re-enter State service and take open examinations, or be certified to a position, must first gain approval from the Executive Officer of SPB. It authorizes the Executive Officer to grant a continuing waiver of this requirement to an employee who later attains permanent civil service status.

AB 577 added GC § 18941. It requires SPB to include a blanket waiver provision under existing 2CCR § 211 so that a dismissed employee who meets standards determined by SPB, would not need a separate waiver for each examination.

**REGULATORY SUMMARY:**

The proposed amendment would modify the existing rule to make specific the requirements pursuant to GC § 18941. It allows a dismissed employee who meets standards as described in the rule, to request SPB approval to apply for civil service

PROPOSED AMENDMENT OF SPB RULE § 211 ON ELIGIBILITY OF DISMISSED  
STATE EMPLOYEES TO TAKE EXAMINATIONS

Page 2

examinations by submitting such requests in writing, clearly identifying the facts, circumstances, and reasons to support his/her request to take the examination(s). The amended rule specifies that each request is reviewed on a case-by-case basis and outlines factors that are taken into consideration. It also allows the Executive Officer to grant a blanket waiver for any examination for which the dismissed employee meets the minimum qualifications. A decision by the Executive Officer is set forth in writing.

**RECOMMENDATION:**

That the Board adopt the proposed revision to 2CCR § 211 as shown in this calendar.

Attachment: Notice of Proposed Amendment to Title 2, California Code of Regulations  
§ 211 – Dismissed State Employees to Take Examinations



## NOTICE OF PROPOSED AMENDMENT OF REGULATION AND STATEMENT OF REASONS

### California Code of Regulations Title 2. Administration Division 1. Administrative Personnel Chapter 1. State Personnel Board

**DATE:** September 10, 2004

**TO:** ALL STATE AGENCIES, EMPLOYEE ORGANIZATIONS, AND  
MEMBERS OF THE GOVERNOR'S CABINET

**SUBJECT:** Proposed Amendment to Title 2, California Code of Regulations  
§ 211 - Dismissed State Employees to Take Examinations

**AUTHORITY:**

Under the authority established in Government Code (GC) § 18701, the State Personnel Board (SPB) proposes to amend Title 2, § 211 of the California Code of Regulations (2CCR) relating to the eligibility of dismissed State employees to take examinations.

**REFERENCE:**

The regulation implements, interprets, and/or makes specific GC § 18941.

**PUBLIC HEARING:**

Date and Time: November 3, 2004  
9:30 a.m. to 10:00 a.m.

Place: 801 Capitol Mall, Auditorium  
Sacramento, CA 95814

Purpose: To receive written or oral public comments about this action.

**WRITTEN PUBLIC COMMENT PERIOD:**

The written public comment period will close Monday, October 25, 2004, at 5:00 p.m. This comment period allows time for SPB staff to provide copies of any

written comments to the five-member State Personnel Board (Board) for their consideration at the time of the hearing. Any person may submit written comments about the proposed amendment. To be considered by the Board, the appropriate person identified below must receive written comments before the close of the forty-five (45) day comment period.

Written comments may be submitted to Daphne Baldwin at the State Personnel Board, 801 Capitol Mall, MS 55, Sacramento, CA 95814, or to [dbaldwin@spb.ca.gov](mailto:dbaldwin@spb.ca.gov), or fax comments to her attention at (916) 653-1280.

**AVAILABILITY OF PROPOSED TEXT AND STATEMENT OF REASONS/  
CONTACT PERSONS:**

Copies of the express terms of the proposed action, Statement of Reasons, and all of the information upon which the proposal is based are available upon request from SPB's contact person. The rulemaking file is available for review during normal business hours at the State Personnel Board, 801 Capitol Mall, Sacramento, CA 95814. Additional information or questions regarding the substance of the proposed action should be directed to Daphne Baldwin as specified above. Questions regarding the regulatory process in conjunction with this regulation should be directed to Elizabeth Montoya, the backup contact person, at the State Personnel Board, (916) 654-0842 or TDD (916) 653-1498.

**AVAILABILITY OF CHANGES TO PROPOSED TEXT:**

If any substantial and sufficiently related changes are made to the text as a result of comments received during the public comment period, SPB will make the full text of the changed regulation available for at least fifteen (15) days before the date the regulation is permanently adopted.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW:**

GC § 18701 authorizes the Board to prescribe, amend, and repeal regulations for the administration and enforcement of the Civil Service Act (GC §§ 18500 et.seq.).

GC § 18935 permits the Board to refuse to examine or, after examination, refuse to declare as eligible or withhold or withdraw from certification, prior to appointment, anyone who comes under any of the specified categories.

GC § 18941 requires the Board to provide by rule, for the granting of a blanket waiver under § 211 that allows a dismissed employee to apply for any exams, without needing a separate waiver for each exam. It also requires SPB to prepare a written notice explaining the effect of dismissal from the State on eligibility to take exams.

Existing § 211 provides that a person who has been dismissed from State civil service cannot take any civil service examination, or be certified to any position, without the consent of the Executive Officer of SPB. It authorizes the Executive



Officer to grant a continuing waiver of this requirement to an employee who later attains permanent civil service status.

**IMPACT ON SMALL BUSINESSES:**

The proposed regulation will not impact small businesses.

**LOCAL MANDATE:**

The proposal has no mandate upon local agencies or school districts and therefore requires no reimbursement pursuant to GC § 17561.

**COST ESTIMATES OF PROPOSED ACTION:**

**Costs or Saving to State Agencies**

The proposed regulation will involve no additional costs or savings to any State agency.

**Impact on Housing Costs**

The proposal will not affect housing costs.

**Costs or Savings in Federal Funding to the State**

No impact.

**Other Nondiscretionary Costs or Savings Imposed on Local Agencies**

The proposal does not impose nondiscretionary costs or savings on local agencies.

**Cost Impact on Representative Persons or Businesses**

SPB is not aware of any cost impacts that a representative person or business would necessarily incur in reasonable compliance with the proposed actions.

**ASSESSMENT OF POTENTIAL ADVERSE ECONOMIC IMPACT ON BUSINESSES:**

SPB has determined that the proposed action will have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

**ASSESSMENT REGARDING THE EFFECT ON JOBS/BUSINESSES:**

The proposed action will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

**ALTERNATIVES STATEMENT:**

SPB must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

**FINAL STATEMENT OF REASONS:**

Upon completion, copies of the Final Statement of Reasons for the proposed action may be obtained from the contact person or the backup contact person.

**ACCESSING INFORMATION REGARDING THIS RULEMAKING FILE ON THE STATE PERSONNEL BOARD WEBSITE:**

The text of the amended regulation in underline and strikeout, as well as, the Notice of Proposed Amendment of Regulation, and Statement of Reasons and if prepared and when available for review, the Final Statement of Reasons, will be on SPB's Web site at [www.spb.ca.gov](http://www.spb.ca.gov).

**STATEMENT OF REASONS:**

Existing § 211 provides that a person who has been dismissed from State civil service cannot take any civil service examination, or be certified to a position, without the consent of the Executive Officer of SPB. It authorizes the Executive Officer to grant a continuing waiver of this requirement to an employee who later attains permanent civil service status.

The proposed amendment to this regulation is to make specific the requirements pursuant to GC § 18941. It allows a dismissed employee who meets standards, as determined by SPB, to apply for any civil service examination so that they would not need a separate waiver for each exam.

Original signed by

Joan Allison, Acting Chief,  
Policy Division

Attachment: Text of Proposed Regulation

Title 2. ADMINISTRATION  
 Division 1. Administrative Personnel  
 Chapter 1. State Personnel Board  
 Subchapter 1. General Civil Service Regulations  
 Article 8. Examinations

§ 211. Eligibility.

If an employee is dismissed from state employment by adverse action or as a result of disciplinary proceedings, that dismissed employee shall not thereafter be permitted to take any state civil service examination or be certified from an eligible list to any position in the state service without the prior consent of the Executive Officer. ~~If such an employee subsequently attains permanent status in the state civil service, the executive officer may grant a continuing waiver of this requirement which may apply to all subsequent examinations for which that employee applies or to those for specified occupations. In all other cases, the executive officer shall determine whether to refuse to examine, or after examination, to declare or certify as eligible anyone for any of the reasons set forth in section 18935 of the act.~~

~~Persons denied permission to compete or be certified under this section may appeal in writing to the Board within 30 days of notification.~~

Dismissed employees' requests to participate in state civil service examinations shall be subject to the following:

- (a) Requests must be filed with the Board at least five (5) working days prior to the final filing date of the examination(s) for which the dismissed employee wishes to apply.
- (b) All requests shall be in writing and accompanied by a completed state examination application.
- (c) Requests shall clearly identify the facts, circumstances, and reasons that support the dismissed employee's request to take the examination(s). The request, at a minimum, shall include the date of the dismissal, the reasons for the dismissal, and the reasons why the dismissed employee believes that he or she should be permitted to take the examination(s). The dismissed

employee may also submit substantiation of corrected behavior, letters of recommendation, employment evaluations, and other materials and/or declarations to support the request.

(d) Requests will be reviewed on a case-by-case basis, taking into consideration the following factors:

1. The type of examination/classification for which the dismissed employee wishes to apply.
2. The circumstances/causes surrounding the dismissal and any restrictions that impact the request.
3. Any pattern of successful employment after the dismissal.
4. Confirmation/assurance of corrected and/or sustained improved behavior.
5. Acceptance of responsibility for past wrongful actions.
6. Demonstration of readiness to re-enter state service.
7. Any other factors deemed relevant to the request, including those factors set forth in Government Code Section 18935.

After reviewing these factors, the Executive Officer shall determine whether to grant the dismissed employee permission to participate in the examination(s). If the Executive Officer determines that the information submitted by the dismissed employee so warrants, the Executive Officer may grant the dismissed employee a blanket waiver to apply for any examination for which the dismissed employee meets the minimum qualifications. The Executive Officer shall set forth his or her decision in writing. A dismissed employee may appeal to the Board from the Executive Officer's decision within 30 days after receipt of that decision.

**STATE PERSONNEL BOARD**

**NON-HEARING CALENDAR**

**RE: BOARD CALENDAR NOVEMBER 3, 2004**

(Cal. 11/3/04)

MEMO TO: STATE PERSONNEL BOARD

FROM: KAREN COFFEE, Chief, Merit Employment and Technical  
Resources Division

SUBJECT: Non-Hearing Calendar Items for Board Action.

Staff have evaluated these items and recommend the following action be taken:

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A. FISH AND GAME WARDEN SERIES

The Department of Fish and Game (DFG) is proposing the following revisions to the Fish and Game Warden series specification: the class titles are being revised for consistency; revisions to the class specification to incorporate and update new laws regarding domestic violence and prior use of hard drugs by the applicant; revise the Minimum Qualifications to add a pattern whereby current peace officers can enter the class and obtain the necessary training to perform the duties of a law enforcement officer; abolishing the classes of Lieutenant, Fish and Game Patrol Board and Captain, Fish and Game Patrol Boat.

TO: STATE PERSONNEL BOARD

FROM: MARGIE IMAI, Staff Personnel Program Analyst  
Department of Personnel Administration

REVIEWED BY: JOSIE FERNANDEZ, Program Manager  
Department of Personnel Administration

ROBERT K. PAINTER, Chief, Policy and Operations Division  
Department of Personnel Administration

SUBJECT: Proposed title change and specification revision for the classes appearing in the Fish and Game Warden series specification; and proposed abolishment of the Lieutenant, Fish and Game Patrol Boat and Captain, Fish and Game Patrol Boat classes.

SUMMARY OF ISSUES:

The Department of Fish and Game (DFG) is proposing to retitle and revise the Fish and Game Warden series specification. The class titles are being revised for consistency and the class specification is being revised and updated to incorporate new laws regarding domestic violence and the prior use of hard drugs by the applicant. DFG is also proposing to revise the minimum qualifications to add a pattern whereby current peace officers can enter the Fish and Game Warden class and obtain the necessary training to perform the duties of a DFG law enforcement officer. The classes of Lieutenant, Fish and Game Patrol Boat and Captain, Fish and Game Patrol Boat are also being proposed for abolishment.

CONSULTED WITH:

Debbie Gojnic, Department of Fish and Game  
Joan Bettati, Department of Fish and Game  
Jennifer Roche, State Personnel Board  
Karen Coffee, State Personnel Board  
Tim Virga, Department of Personnel Administration  
Alan Barcelona, California Union of Safety Employees  
Dennis DeAnda, California Fish and Game Warden Supervisor and Manager Association

In accordance with the terms of the DPA/CAUSE contract, DPA has notified the union in writing of this proposal.

State Personnel Board  
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#### BACKGROUND AND CONSIDERATIONS:

See attached proposal.

#### RECOMMENDATIONS:

1. That the titles of the following classes be changed as indicated; and the proposed revised specification for these classes appearing in the Fish and Game Warden series specification shown in this calendar be adopted.

<u>From</u>	<u>To</u>
Fish and Game Warden, Department of Fish and Game	Fish and Game Warden
Fish and Game Patrol Lieutenant (Specialist)	Fish and Game Lieutenant (Specialist)
Fish and Game Patrol Lieutenant (Supervisor)	Fish and Game Lieutenant (Supervisor)
Fish and Game Patrol Captain	Fish and Game Captain
Regional Patrol Chief, Department of Fish and Game	Fish and Game Assistant Chief

2. That the classes of Lieutenant, Fish and Game Patrol Boat and Captain, Fish and Game Patrol Boat be abolished.



## **B. CLASSIFICATION CONSIDERATIONS**

### **BACKGROUND**

- 1. Provide some historical perspective about the organizational setting of the subject class(es) and the needs that this request addresses.**

Department of Fish and Game (DFG) law enforcement personnel are designated as peace officers under Penal Code Section 830.2. Their primary responsibility is enforcing laws in the Fish and Game Code and the orders, rules, and regulations of the Fish and Game Commission. The task of protecting California's fish and wildlife make DFG law enforcement one of the most visible forms of protection and enforcement in the State. While DFG's law enforcement personnel enforces fishing and hunting codes and cite violators, their responsibilities also encompasses the protection of California's natural resources through enforcement of laws and investigation of violations of pollution regulations and illegal destruction of streambed habitat and water diversions. Additionally, DFG law enforcement personnel respond to off-highway petroleum and hazardous material spills throughout the State. DFG law enforcement personnel routinely arrest and apprehend suspects for violations, investigate reports of violations, and issue warnings and citations. Wardens also prepare cases for prosecution from the initial field investigation to the presentation in court and engage in various enforcement activities from undercover stings to highly visible patrols. The patrols take place in the air, on lakes, rivers, streams and ocean, and on the ground.

Other law enforcement agencies (i.e., county sheriff, California Highway Patrol, Local Federal District Ranger) depend upon and use DFG law enforcement as backup personnel for other than fish and game issues (i.e., drug arrests, robberies in progress, high-risk felony vehicle stops). While performing backup assistance to other law enforcement agencies, DFG law enforcement personnel also enforce the Penal, Vehicle, and Health and Safety codes. Moreover, under an agreement with the Department of the Interior and the U.S. Fish and Wildlife Service, all DFG law enforcement staff are specially appointed as a United States law enforcement officer, authorized to enforce Federal fish and wildlife laws within the State, and in states immediately adjacent to California. Additionally, because of recent national terrorists threats and the fact that our nation is at war, DFG law enforcement officers are required to assist multiple law enforcement agencies in the protection of public safety and provide increased security at numerous locations throughout the State.

DFG is proposing to revise the Fish and Game series specification to include a title change for the classes within the series to allow for consistency; revise the minimum qualifications to expand their recruitment pool of current peace officers outside of DGF; and to reflect change in Title 2 of the California Code of Administration, Division 1, Administrative Personnel, which concerns the disclosure of prior drug use by peace officer candidates, and the Federal Omnibus Consolidated Appropriations Act of 1997 which make it unlawful for any person convicted of a misdemeanor crime of domestic violence to ship, transport, possess, or receive firearms or ammunition.

Additionally, DFG is requesting that the classes of Lieutenant, Fish and Game Patrol Boat and Captain, Fish and Game Patrol Boat be abolished. In 1995, the DFG revised the Fish and Game Warden series and incorporated the duties and responsibilities of the Lieutenant and Captain, Fish and Game Patrol Boat classifications. These classes are now redundant and obsolete.

## **CLASSIFICATION CONSIDERATIONS**

### **2. What classification(s) does the subject class(es) report to?**

- Warden Cadets may report to Fish and Game Wardens, Lieutenants and Captains, and Assistant Chiefs.
- Fish and Game Wardens report to Lieutenants.
- Lieutenants report to Captains.
- Captains report to Assistant Chiefs.
- Assistant Chiefs report to the Chief of Enforcement.

### **3. Will the subject class(es) supervise? If so, what class(es)?**

See number two above.

### **4. What are the specific duties of the subject class(es)?**

The Fish and Game Warden series describes work concerned with the prevention of violations and the enforcement of laws and regulations relating to the conservation and protection of fish, wildlife, and their habitat. As peace officers, incumbents in this series may also be required to take action in crimes of a general nature, including violations of Penal, Vehicle, Health and Safety Codes and others to preserve and protect all public health and safety. This may include arresting armed and dangerous felons, arresting drug traffickers and seizing related evidence, stopping and arresting drunk drivers, and taking emergency action to preserve life in traffic or other accidents.

Work assignments in the series involve administering and enforcing fish, wildlife, and habitat protection laws, rules and regulations; conducting investigations with full participation in surveillance, interviewing witnesses, searching for and taking custody of physical evidence; seizing illegal fish, wildlife and equipment connected with violations, securing and serving search warrants, making arrests and testifying in court; coordinating cases with the district attorney, attorney general, and the Department of Justice; investigating the importation, buying and selling, transportation and possession of illegal fish and wildlife; investigating wildlife crop damage and advising landowners on countermeasures; issuing depredation permits; working undercover; inspecting commercial fishing operations, canneries, processors, and fish markets and fish landings; collecting and reporting of information on the condition of fish, wildlife, and their habitat; inspecting facilities for the care of native and exotic wildlife maintained in captivity; preparing, enforcing, and inspecting streambed alteration agreements; assisting in the planning of controlled hunts; giving information to the general public; attending and speaking at meetings of sportspersons, civic, and other groups; developing fishing and hunting regulations, laws, rules, and policies; preparing correspondence and reports; performing special staff assignments; assisting in promoting and conducting hunter education training; administering departmental wildlife protection training; responding to and investigating suspected pollution, oil, and hazardous material spills; assisting other law enforcement agencies. Assignment may include patrol duties aboard fish and game vessels; horse patrol, snow patrol, the use of backpacking equipment or other special safety equipment; performance of scuba diving duties; responsibility for the supervision of cadets and training of cadets.

**5. What is the decision-making responsibility of the subject class(es)?**

See number four above.

**6. What would be the consequence of error if incumbents in the subject class(es) did not perform their jobs? (Program problems, lost funding, public safety compromised, etc.)**

- Inadequate protection for the public;
- Inadequate protection for wildlife/natural resources and habitat;
- Longer response time to violations, crimes in progress, and hazardous spills;
- Increased liability exposure resulting from poor response capability;
- An increase in violence and property crimes;
- Increased threat to protected species;
- Increased risk to existing law enforcement staff;

- Increased cost as a result of liability claims and restoration of damaged natural resources; and
- Diminished public education programs.

**7. What are the analytical requirements expected of incumbents in the subject class(es)?**

See number four above.

**8. What are the purpose, type, and level of contacts incumbents in the subject class(es) make?**

Fish and Game Wardens have daily contact with members of the public; from a hunter or fisherman, to a county judge or district attorney. They interact with other law enforcement agencies, commercial fishing companies, hazardous spill response employees, the Coast Guard, and the Homeland Security Agency, to name a few. Fish and Game Wardens patrol an area encompassing nearly 600 square miles and are involved in local community organizations and the public they serve.

**9. NEED FOR NEW CLASS (if necessary)**

**For new classes only: what existing classes were considered and why were they not appropriate?**

Not applicable

**10. MINIMUM QUALIFICATIONS**

**What are the proposed or current minimum qualifications of the subject class(es), and why are they appropriate? (Include inside and outside patterns.)**

DFG is proposing to revise the minimum qualifications as follows:

ALL CLASSES

The following requirements are part of the "Minimum Qualifications" for all classes in the series.

Education: Possession of a valid driver license of the appropriate class issued by the Department of Motor Vehicles. Applicants who do not possess this license will be admitted to the examination but must secure the license prior to appointment. and

Education: Equivalent to completion of two years (60 semester units) of college with 18 semester units in the biological sciences, police science or law enforcement, natural resources conservation, ecology, or related fields. (Students who have 30 semester units of college, and have 18 semester units completed in the required or related fields, will be admitted to the examination but must produce evidence of completion of 60 semester units before they can be considered eligible for appointment.)

ALL CLASSES EXCEPT FISH AND GAME WARDEN CADET

~~Possession of a POST basic peace officer academy certificate.~~

~~FISH AND GAME WARDEN, DEPARTMENT OF FISH AND GAME~~

Either I

Successful completion of a California POST accredited Law Enforcement Academy, possession of a valid California POST basis peace officer certificate, and currently employed as a peace officer within the State of California at the time of application.

Or II

Successful completion (within the last 12 months) of a California POST accredited law enforcement academy prescribed by the Department of Fish and Game, and possession of a valid California basic academy certificate.

~~Successful completion (within the last three years) of a POST certified basic peace officer academy.~~

~~FISH AND GAME PATROL LIEUTENANT (SPECIALIST)~~  
~~FISH AND GAME PATROL LIEUTENANT (SUPERVISOR)~~

Two years of experience in the California state service performing the duties of a peace officer class at a level of responsibility equivalent to that obtained in the class of Fish and Game Warden, ~~Department of Fish and Game~~, Range B.

~~FISH AND GAME PATROL CAPTAIN~~

Either I

One year of experience in the California state service performing the duties of a peace officer class at a level of responsibility equivalent to that

obtained in the class of Fish and Game Patrol Lieutenant (Specialist) or Fish and Game Patrol Lieutenant (Supervisor).

Or II

Three years of experience in the California state service performing the duties of a peace officer class at a level of responsibility equivalent to that obtained in the class of Fish and Game Warden, ~~Department of Fish and Game~~, Range B.

REGIONAL PATROL CHIEF, DEPARTMENT OF FISH AND GAME  
ASSISTANT CHIEF

Either I

Two years of experience in California state service performing the duties of a peace officer class at a level of responsibility equivalent to that obtained in the class of Fish and Game ~~Patrol~~ Captain.

Or II

Four years of experience in the California state service performing the duties of a peace officer class at a level of responsibility equivalent to that obtained in the class of Fish and Game ~~Patrol~~ Lieutenant (Specialist) or Fish and Game ~~Patrol~~ Lieutenant (Supervisor).

DFG is proposing to add a pattern whereby current California peace officers who has completed a basic law enforcement Academy, who has earned their POST certificate (which they will attain after working full-time as a peace officer for one year in California), and who is working as a peace officer in California can enter the Fish and Game Warden classification without having to go through a six month Fish and Game basic peace officer academy. The proposed revision to the minimum qualifications adds new language which will enhance DFG's recruitment efforts by allowing current peace officers outside DFG to be hired as Wardens. Currently, they must attend the six month training academy as a Fish and Game Warden Cadet. By allowing current peace officers to enter at the Warden level, the department will expand their candidate pool. Candidates are reluctant to apply for the Fish and Game Warden Cadet class as their current pay, which in most cases is higher than a Fish and Game Warden Cadet.

DFG is also proposing revisions to the "Disqualification" section of the class specifications. Existing law provides that persons convicted of a felony or convicted of a misdemeanor crime of domestic violence are disqualified from employment as peace officers. Such persons are not eligible to compete or be appointed to positions in these classes.

Due to the Gun Control Act of 1968 being amended by the Federal Omnibus Consolidated Appropriations Act of 1997, DFG is requesting to update the specifications to include:

You are disqualified from being employed as a peace officer under the Gun Control Act of 1968 as amended by the Federal Omnibus Consolidated Appropriations Act of 1997, which makes it unlawful for any person convicted of a misdemeanor crime of domestic violence to ship, transport, possess, or receive firearms or ammunition. A misdemeanor crime of domestic violence means an offense that (1) is a misdemeanor under Federal or State law; and (2) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of a victim. This definition includes all misdemeanors that involve the use or attempted use of physical force and is true whether or not the State statute or local ordinance specifically defines the offense as a domestic violence misdemeanor.

The current specifications contain language pertaining to an applicant's use of "hard" drugs which state "subsequent to applicant's 18<sup>th</sup> birthday shall be grounds for disqualification from the examination unless 10 years elapsed from the date of the disclosed use of the drug." However, Title 2, section 213.5( c ) of the California Code of Regulations was expanded to read:

"Use of hard drugs (e.g., heroin, cocaine, or hallucinogenic) subsequent to applicant's 18<sup>th</sup> birthday and prior to his or her twenty-third birthday, shall be grounds for disqualification from the examination unless 5 years have elapsed from the date of the disclosed or revealed use of the drug. If any such disclosed or revealed use has occurred on or after the applicant's twenty-third birthday, he or she shall be disqualified from the examination in which he or she is competing until 10 years have elapsed from the date of the disclosed or revealed use. The disqualification period shall begin on the date that the drug was used, and not on the date that the drug use was disclosed or revealed.

## **PROBATIONARY PERIOD**

### **11. If a probationary period other than six months is proposed, what is the rationale?**

Not applicable – This revision does not change the previously established probationary period.



**STATUS CONSIDERATIONS****12. What is the impact on the current incumbents?**

Current incumbents will only be affected by a class title change.

There are no incumbents in the classes of Lieutenant, Fish and Game Patrol Board and Captain, Fish and Game Patrol Boat.

**13. Will current employees move by examination, transfer, reallocation, split-off, etc? Explain rationale.**

Not applicable

**CONSULTED WITH****14. In addition to the department contacts listed on the cover sheet, list the names and affiliations of persons who were consulted during the development of this proposal.**

Bernadette Fees, DFG  
Kathy Killian, DFG  
Rona Murray, DFG  
Mike Carion, DFG, Training Academy  
Ray Hernandez, DFG, Human Resources  
Tom Harmon, DFG  
Greg Laret, DFG  
Phil Gaskins, DFG

# CALIFORNIA STATE PERSONNEL BOARD

## SPECIFICATION

FISH AND GAME WARDEN, ~~DEPARTMENT OF FISH AND GAME~~  
Series Specification  
(Established April 3, 1974)

### SCOPE

This series specification describes six Fish and Game Warden classes used in the Department of Fish and Game.

Schem	Class	
<u>Code</u>	<u>Code</u>	<u>Class</u>
VB94	8486	Fish and Game Warden Cadet
VB90	8421	Fish and Game Warden, <del>Department of Fish and Game</del>
VB80	8005	Fish and Game <del>Patrol</del> Lieutenant (Specialist)
VB75	8418	Fish and Game <del>Patrol</del> Lieutenant (Supervisor)
VB50	8412	Fish and Game <del>Patrol</del> Captain
VB20	8405	<del>Regional Patrol Chief, Department of Fish and Game</del> <u>Assistant Chief</u>

### DEFINITION OF SERIES

The Fish and Game Warden series describes work concerned with the prevention of violations and the enforcement of laws and regulations relating to the conservation and protection of fish, wildlife, and their habitat. As peace officers, incumbents in this series may also be required to take action in crimes of a general nature, including violations of Penal, Vehicle, Health and Safety Codes, and others to preserve and protect all public health and safety. This may include arresting armed and dangerous felons, arresting drug traffickers and seizing related evidence, stopping and arresting drunk drivers, taking emergency action to preserve life in traffic or other accidents, and participating in Homeland Security efforts on State lands and waters. Incumbents above the cadet level are designated as peace officers. Positions in this series may involve responsibilities or duties in a regional or headquarters office.

Work assignments in the series involve administering and enforcing fish, wildlife, and habitat protection laws, rules, and regulations; conducting investigations with full participation in surveillance, interviewing witnesses, searching for and taking custody of physical evidence, ~~seizure of~~ seizing illegal fish, wildlife and equipment connected with violations, securing and serving search warrants, making arrests and testifying in court; coordinating cases with the

district attorney, attorney general, and the Department of Justice; investigating the importation, buying and selling, transportation, and possession of illegal fish and wildlife; ~~investigating wildlife crop damage and advising landowners on countermeasures; issuing depredation permits;~~ working undercover; ~~responsibility for inspection of~~ inspecting commercial fishing operations, canneries, processors, and fish markets and fish landings; collecting and reporting of information on the condition of fish, wildlife, and their habitat; inspecting facilities for the care of native and exotic wildlife maintained in captivity; ~~preparing, enforcing, and inspecting~~ conducting compliance inspections and enforcing provisions of streambed alteration agreements and habitat-related crimes; assisting in the planning of controlled hunts; giving information to the general public; attending and speaking at meetings of sportspersons, civic, and other groups; developing fishing and hunting regulations, laws, rules, and policies; preparing correspondence and reports; performing special staff assignments; assisting in promoting and conducting hunter education training; administering departmental wildlife protection training; responding to and investigating suspected pollution, oil, and hazardous material spills; assisting other law enforcement agencies; and may be required to investigate wildlife crop damage and advise land owners on countermeasures, and issue depredation permits, if necessary. Assignment may include patrol duties aboard a fish and game vessel; horse patrol, snow patrol, the use of backpacking equipment or other special safety equipment; performance of scuba diving duties; and responsibility for the supervision of cadets and training of cadets.

### ENTRY LEVELS

Entry into this series is typically at the Fish and Game Warden Cadet level. ~~Those individuals who have successfully completed a basic law enforcement academy accredited by the Commission on Peace Officer Standards and Training (POST) shall be appointed to Range A or B of the Fish and Game Warden, Department of Fish and Game, class as appropriate.~~ All Fish and Game Warden Cadet and Fish and Game Warden appointees must successfully complete the required field training programs. Incumbents who do not enter the series through the Fish and Game Warden Cadet classification, and who have completed a POST accredited basic law enforcement academy, must also successfully complete the prescribed Fish and Game training.

### FACTORS AFFECTING POSITION ALLOCATION

These are work elements which can be compared to measure the similarity and evaluate the level of positions. The following allocation factors are typically used to evaluate the level and complexity of positions to assure consistency.

Level, variety, and complexity of work; nature of public contact; supervision exercised and received; latitude for independent judgment and action; responsibility for decision; and influence on departmental policy, program evaluation, budget decisions, or legislative recommendations.

### DEFINITION OF LEVELS

#### FISH AND GAME WARDEN CADET

This is the recruiting and training level for the series. Under close supervision, incumbents participate in a POST accredited basic law enforcement training ~~program~~ academy to learn the work of a Fish and Game Warden, ~~Department of Fish and Game~~. Incumbents who do not

successfully complete the prescribed law enforcement academy ~~accredited by POST~~ will be ineligible for appointment to the class of Fish and Game Warden, ~~Department of Fish and Game~~.

#### FISH AND GAME WARDEN, ~~DEPARTMENT OF FISH AND GAME~~

This is the first working and journey level of the series. Under general supervision, incumbents perform patrol and investigative duties and may be assigned a geographic area; enforce laws relating to fish and wildlife conservation; issue citations; make arrests; collect evidence and complete crime reports; testify in court; investigate reported fish and game violations; perform patrol duties aboard a fish and game vessel; respond to and investigate pollution, oil, and hazardous material spills; act as Incident Commander in minor oil and hazardous material spills; develop and enforce streambed alteration agreements; explain the Department's programs before groups; work as field training officers (FTOs); assist other law enforcement agencies. Incumbents may be assigned special administrative assignments performing the less difficult analysis and staff work such as the initial review of a legislative bill analysis. Incumbents may be required to work out of their home and maintain a home office, and in remote locations.

#### FISH AND GAME ~~PATROL~~ LIEUTENANT (SPECIALIST)

This is the advanced journey level in the series. In a specialist assignment, under direction, incumbents implement specific programs; independently perform the more difficult analysis and staff review work; conduct the more difficult and complex investigations; assist supervisors with training issues; review legislative bills; assist in promoting uniform application of procedures; coordinate and review regulation proposals; assist in the development of procedures; deal with the public on the more sensitive enforcement issues; direct field training activities; review streambed alteration agreements; and act as Incident Commander in large oil and hazardous material spills.

### FISH AND GAME ~~PATROL~~ LIEUTENANT (SUPERVISOR)

This is the first supervisory level in the series. Under direction, incumbents supervise and direct the work of Fish and Game Wardens and other personnel in a geographic area of the State; patrol and investigate violations; perform patrol duties aboard a fish and game vessel; supervise work involved in oil and hazardous material spills; act as Incident Commander in large oil and hazardous material spills; direct and review streambed alteration agreements; deal with the public on the more sensitive enforcement issues; investigate citizens complaints; conduct internal affairs investigations; conduct or coordinate required training; supervise FTO activities; plan and assign work; evaluate performance and take appropriate action; inspect equipment and implement safe work practices; and explain the Department's programs before groups.

### FISH AND GAME ~~PATROL~~ CAPTAIN

This is the second supervisory level in the series. Under general direction, incumbents supervise and direct the work of Fish and Game ~~Patrol~~ Lieutenants, Fish and Game Wardens, or other personnel; are responsible for an operating budget to plan and conduct enforcement efforts in a geographic area of the State; make recommendations concerning the arrest and prosecution of violators; plan and conduct effective patrols on land and/or utilizing fish and game vessels; supervise and manage equipment use; conduct internal affairs investigations; evaluate, negotiate, and enforce streambed alteration agreements and water pollution violations; act as Incident Commander in major oil and hazardous material spills; ~~plan, conduct, and evaluate Advanced Peace Officer training~~; evaluate performance and take appropriate action; represent the Department before groups; compose difficult correspondence and reports for the Division Chief, ~~Regional Manager~~, and Director. In a specialist assignment, incumbents are responsible for directing and managing statewide programs or programs of high intensity. Incumbents perform staff functions such as recommending changes in laws, regulations, and procedures; assist in proposing changes to departmental policy; prepare documents related to Fish and Game Code regulations and California Code of Regulations; evaluate potential impacts of proposed law enforcement changes and make recommendations; act as Incident Commander in major oil and hazardous material spills; assist in budget preparation; prepare administrative reports; complete appropriate legal documents and reports; conduct and coordinate internal affairs investigations; respond to complex law enforcement-related questions and complaints; plan, develop, and coordinate FTO, Advanced Peace Officer, Defensive Tactics, Firearms Proficiency, Specialized Vehicle Operations, and other training; conduct and evaluate Advanced Peace Officer training; ~~or~~ and operate the cadet training academy.

### ~~REGIONAL PATROL CHIEF, DEPARTMENT OF FISH AND GAME~~ ASSISTANT CHIEF

This is the highest supervisory level in the series. Under general direction, incumbents supervise an assigned staff; provide high level assistance on extremely sensitive wildlife protection matters; enforce laws, rules, and regulations; ensure that the wildlife protection mission is accomplished; promote uniform application of policies, laws, and regulations; review recommendations for legislative bills; review reports and correspondence for impact on the wildlife protection function; act as a liaison with other agencies and organizations on wildlife matters; supervise and have full responsibility over major statewide programs which have strong legislative or political interest, major law enforcement concerns, major public concern and awareness, extensive media coverage and multiagency involvement; develop policy; assist in law and regulation changes; assist in budget preparation and assess budget requests; coordinate program activities with other functions;

keep management informed of extremely significant law enforcement issues and problems; and represent the ~~Division~~ Branch Chief or ~~Regional Manager~~ in their absence.

### MINIMUM QUALIFICATIONS

#### ALL CLASSES:

The following requirements are part of the "Minimum Qualifications" for all classes in the series.

Education: Possession of a valid driver license of the appropriate class issued by the Department of Motor Vehicles. Applicants who do not possess this license will be admitted to the examination but must secure the license prior to appointment.

and

Education: Equivalent to completion of two years (60 semester units) of college with 18 semester units in the biological sciences, police science or law enforcement, natural resources conservation, ecology, or related fields. (Students who have 30 semester units of college, and have 18 semester units completed in the required or related fields, will be admitted to the examination, but must produce evidence of completion of 60 semester units before they can be considered eligible for appointment.)

ALL CLASSES EXCEPT FISH AND GAME WARDEN CADET

~~Possession of a POST basic peace officer academy certificate.~~

FISH AND GAME WARDEN, ~~DEPARTMENT OF FISH AND GAME~~

Either I

Successful completion of a California POST accredited Law Enforcement Academy, possession of a valid California POST basic peace officer certificate, and currently employed as a peace officer within the State of California at time of application.

Or II

Successful completion (within the last 12 months) of a California POST accredited law enforcement academy prescribed by the Department of Fish and Game, and possession of a valid California POST basic academy certificate.

~~Successful completion (within the last three years) of a POST certified basic peace officer academy.~~

FISH AND GAME ~~PATROL~~ LIEUTENANT (SPECIALIST)

FISH AND GAME ~~PATROL~~ LIEUTENANT (SUPERVISOR)

Two years of experience in the California state service performing the duties of a peace officer class at a level of responsibility equivalent to that obtained in the class of Fish and Game Warden, ~~Department of Fish and Game~~, Range B.

FISH AND GAME ~~PATROL~~ CAPTAIN

Either I

One year of experience in the California state service performing the duties of a peace officer class at a level of responsibility equivalent to that obtained in the class of Fish and Game ~~Patrol~~ Lieutenant (Specialist) or Fish and Game ~~Patrol~~ Lieutenant (Supervisor).

Or II

Three years of experience in the California state service performing the duties of a peace officer class at a level of responsibility equivalent to that obtained in the class of Fish and Game Warden, ~~Department of Fish and Game~~, Range B.

~~REGIONAL PATROL CHIEF, DEPARTMENT OF FISH AND GAME~~ ASSISTANT CHIEF

Either I

Two years of experience in the California state service performing the duties of a peace officer class at a level of responsibility equivalent to that obtained in the class of Fish and Game ~~Patrol~~ Captain.

Or II

Four years of experience in the California state service performing the duties of a peace officer class at a level of responsibility equivalent to that obtained in the class of Fish and Game ~~Patrol~~ Lieutenant (Specialist) or Fish and Game ~~Patrol~~ Lieutenant (Supervisor).

KNOWLEDGE AND ABILITIES

## FISH AND GAME WARDEN CADET

Ability to: Gather and analyze facts; reason logically, draw valid conclusions, and make appropriate recommendations; follow instructions; communicate effectively and write clearly and concisely; establish and maintain effective working relationships with those contacted in the work; learn rules and regulations; interpret, apply, and enforce fish and game laws; read and interpret maps; analyze situations accurately, think and act quickly in emergencies, and take effective action; establish and maintain tactful and effective relations with the public; learn safety and proficiency with firearms, peace officer protective equipment, and other equipment used on the job; and administer first aid treatment.

FISH AND GAME WARDEN, ~~DEPARTMENT OF FISH AND GAME~~

Knowledge of: Investigation techniques and procedures; rules of evidence and court procedures; laws of arrest, search and seizure and legal rights of citizens, and service of legal process; State and applicable Federal laws; basic principles and techniques of natural resources management; habits, life histories, ecological relationships, and geographical distribution of sport and commercial fishes and wildlife in California; sport and commercial fishing and hunting practices and equipment; and current court decisions.

Ability to: All of the above, and assist in the interpretation and application of biological information and laws and regulations to specific situations; participate effectively in investigations and interviews; work on field assignments without close supervision and primarily on own initiative; train and act as a lead over new Fish and Game Wardens ~~and reserve Fish and Game Wardens or assistants~~; and prepare accurate and concise reports.

FISH AND GAME ~~PATROL~~ LIEUTENANT (SPECIALIST)

Knowledge of: All of the above, and the provisions of the Fish and Game Code and other laws, rules, regulations, and policies relating to the conservation and protection of fish, wildlife, and their habitat in California; and instruction in the care and use of firearms and equipment.

Ability to: All of the above, and implement specific programs; direct or conduct complex investigations of fish and game law violations; conduct internal affairs investigations; and coordinate required training.

FISH AND GAME ~~PATROL~~ LIEUTENANT (SUPERVISOR)

Knowledge of: All of the above, and basic supervision; ~~the Department's Equal Opportunity Program objectives; a supervisor's role in the Equal Opportunity Program and the processes available to meet equal opportunity objectives and a manager's/supervisor's responsibility for promoting equal opportunity in hiring, employee development, and promotion and for maintaining a work environment that is free of discrimination or harassment.~~

Ability to: All of the above, and supervise and direct work; evaluate employee performance; conduct internal affairs investigations; and effectively contribute to ~~the Department's equal~~



~~opportunity objectives~~ promoting equal opportunity in employment and maintaining a work environment that is free of discrimination and harassment.

#### FISH AND GAME ~~PATROL~~ CAPTAIN

Knowledge of: All of the above, and principles and techniques of personnel management; and in-service training.

Ability to: All of the above, and implement programs to protect fish and wildlife resources; plan, conduct, and evaluate training programs; coordinate special enforcement activities; coordinate internal affairs investigations; and assist in budget preparation.

#### ~~REGIONAL PATROL CHIEF, DEPARTMENT OF FISH AND GAME~~ ASSISTANT CHIEF

Knowledge of: All of the above, and program planning; Department policy; and the Department's funding and budget process.

Ability to: All of the above, and evaluate programs; develop policy; promote uniform application of policies, laws, and regulations; organize and manage statewide programs; and represent the ~~Division Branch Chief or Regional Manager~~ at anytime.

### ADDITIONAL DESIRABLE QUALIFICATIONS

#### ALL CLASSES:

Ability to use word processing software on personal computers; ability to make minor vehicle repairs when service is not available; and ability to safely operate fish and game vessels.

### SPECIAL PERSONAL CHARACTERISTICS

#### ALL CLASSES:

Willingness to work unusual hours and on Saturdays, Sundays, and holidays; willingness to live and work throughout the State; satisfactory record as a law-abiding citizen; neat personal appearance; tact; reliability; keenness of observation; and interest in and aptitude for fish and wildlife conservation and law enforcement work.

### SPECIAL PHYSICAL REQUIREMENTS

#### FISH AND GAME WARDEN CADET

#### FISH AND GAME WARDEN, ~~DEPARTMENT OF FISH AND GAME~~

Sound physical condition, ability to swim, and hearing adequate to perform the duties of the position; visual acuity of not less than 20/40 in each eye without correction and corrected to not less than 20/20 in each eye; normal color vision as measured by the Ishihara Pseudoisochromatic Plate Test or for persons failing the Ishihara, the Farnsworth D-15 Arrangement Test; and a peripheral field of view of at least 120 degrees of horizontal extent and 100 degrees of vertical extent, with no evidence of scotomas (nonseeing areas) within the full visual field of each eye.

### FELONY DISQUALIFICATION

#### ALL CLASSES:

Existing law provides that persons convicted of a felony or convicted of a misdemeanor crime of domestic violence are disqualified from employment as peace officers. Such persons are not eligible to compete for or be appointed to positions in these classes.

You are disqualified from being employed as a peace officer under Government Code 1029 if (1) you have been convicted of a felony in this State or any other state; (2) you have been convicted of any offense in any other state which would have been a felony if committed in this State; (3) you have been charged with a felony and adjudged by a superior court to be mentally incompetent; (4) you have been found not guilty by reason of insanity of any felony; (5) you have been determined to be a mentally disordered sex offender; or (6) you have been addicted or in danger of becoming addicted to narcotics, convicted, and committed to a State institution.

You are disqualified from being employed as a peace officer under the Gun Control Act (GCA) of 1968 as amended by the Federal Omnibus Consolidated Appropriations Act of 1997, which makes it unlawful for any person convicted of a misdemeanor crime of domestic violence to ship, transport, possess, or receive firearms or ammunition. A misdemeanor crime of domestic violence

means an offense that (1) is a misdemeanor under Federal or State law; and (2) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim. This definition includes all misdemeanors that involve the use or attempted use of physical force and is true whether or not the State statute or local ordinance specifically defines the offense as a domestic violence misdemeanor.

Use of "hard" drugs (e.g., heroin, cocaine, or hallucinogenic) subsequent to applicant's 18th birthday and prior to his or her twenty-third birthday, shall be grounds for disqualification from the examination unless ~~10~~ 5 years elapsed from the date of the disclosed or revealed use of the drug. If any such disclosed or revealed use has occurred on or after the applicant's twenty-third birthday, he or she shall be disqualified from the examination in which he or she is competing until 10 years have elapsed from the date of the disclosed or revealed use. The disqualification period shall begin on the date that the drug was used, and not on the date that the drug use was disclosed or revealed.

#### CITIZENSHIP REQUIREMENT

##### ALL CLASSES:

Pursuant to Government Code Section 1031(a), in order to be a peace officer, a person must be either a U.S. citizen or be a permanent resident alien who is eligible for and has applied for U.S. citizenship.

Denial of an application for citizenship shall result in termination of employment.

DRUG TESTING REQUIREMENT

## ALL CLASSES:

Applicants for positions in this class are required to pass a drug screening test. Drug testing of current State employees who are applicants in an examination or who are transferring is permitted only if the person does not have current appointment to a class for which drug testing is a requirement.

CLASS HISTORY

<u>Class</u>	<u>Date Established</u>	<u>Date Revised</u>	<u>Title Changed</u>
Fish and Game Warden Cadet		3/8/88	6/7/95 --
Fish and Game Warden, Department <del>of Fish and Game</del>		3/1/88	6/7/95
Fish and Game Patrol Lieutenant (Specialist)		6/7/95	--
Fish and Game Patrol Lieutenant (Supervisor)		4/3/74	6/7/95 6/7/95
Fish and Game Patrol Captain		1931	6/7/95 3/23/56
<del>Regional Patrol Chief, Department Chief</del>		5/16/52	6/7/95 10/7/86 of Fish and Game <u>Assistant</u>